

REMARKS

Claims 11-20 are presently pending in this application. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 11-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner has rejected the claims because the term "category metric" is not supported in the specification. Applicants have therefore amended the language to read "category label," which is fully supported by the specification. See, for example, page 15 under the heading "Eigenvector Analysis." In that section, the terminology "label" is used.

In view of the amended language, it is respectfully submitted that the rejection under 35 U.S.C. § 112 has been overcome.

REJECTION UNDER 35 U.S.C. § 103

Claims 11-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chakrabarti, et al. (U.S. Pat. No. 6,389,436 and Barney, et al. (U.S. Pat. No. 6,556,992). This rejection is respectfully traversed.

The Examiner bases this rejection on two references: Chakrabarti (6,389,436) and Barney (6,556,992). It is respectfully submitted however, that Barney is not prior art to the applicants' invention. The pertinent dates are as follows:

- o February 5, 1999 applicants file their Provisional application S.N. 60/119,210
- o September 14, 1999 Barney files his Provisional application S.N. 60/154,066
- o February 7, 2000 applicants file their US Regular application S.N. 09/499,238, claiming priority on their Provisional.
- o September 14, 2000. Barney files his US Regular application S.N. 09/661,765.

In view of this sequence of events, applicants submit that they made their invention before Barney. Hence the Barney reference is not properly cited as prior art and may not be used to support a rejection under 35 U.S.C. §103.

Applicants are enclosing a copy of their provisional application for the Examiner's reference. A description of the aspects of the invention relating to the present claims may be found beginning at page 1 of the Provisional application, where the linguistic analysis to produce clusters of patents is described. Labeling of the clusters and the Eigenspace techniques are discussed beginning at page 2.

Applicants would also like to respectfully point out that our application has now been undergoing prosecution for seven (7) years. Applicants would therefore respectfully submit that this application would be appropriate for an interview with the Examiner and his Supervisor, so that any remaining issues in this application can be addressed and the application then passed to allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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